

# Contract User Guide for ENE47

## ENE47: Ultra Low Sulfur Diesel & Biodiesel Statewide Contract

UPDATED: 4/29/2020

Contract #:	ENE47
MMARS MA #:	ENE47*
Initial Contract Term:	August 1, 2019 – July 31, 2024
Maximum End Date:	July 31, 2024
Current Contract Term:	August 1, 2019 – July 31, 2024
Contract Manager:	Michael Woods - 617-720-3191 <a href="mailto:michael.woods@mass.gov">michael.woods@mass.gov</a>
This Contract Contains:	Environmentally Preferable Products
UNSPSC Codes:	15-10-15-05 Diesel Fuel 15-10-18-01 Biodiesel

\*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS).

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# Contract User Guide for ENE47

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## Contract Summary

This is a Statewide Contract is for the purchase and delivery of Ultra Low Sulfur Diesel and Biodiesel. This contract has an additional category not offered in previous contracts which is the option to lock in a fixed price on the purchase of Ultra Low Sulfur Diesel, this is offered in category 3.

Eligible Entities wishing to participate in this contract must make arrangements with the appropriate awarded vendor and must remain with the vendor for twelve months or the remainder of the contract term. Vendors have been directed to request this commitment in writing.

## Contract Categories

This contract includes three (3) categories as listed below.

- Category 1: Ultra Low Sulfur Diesel
- Category 2: Biodiesel
- Category 3: Fixed Pricing for Ultra Low Sulfur Diesel

## Benefits and Cost Savings

Statewide contracts are an easy way to obtain benefits for your organization by leveraging the Commonwealth's buying power, solicitation process, contracting expertise, vendor management and oversight, and the availability of environmentally preferable products.

- Competitive Pricing
- Qualified and Experienced Vendor
- Prompt Pay Discount
- Lower differential pricing for the purchase of 8,000 gallons or more

## Find Bid/Contract Documents

To find all contract-specific documents, including the Contract User Guide, RFR, specifications, and other attachments, visit [COMMBUYS.com](https://www.commbuys.com) and search for ENE47 to find related Master Blanket Purchase Order (MBPO's) information. All common contract documents are located in the "Master Contract Record" Master Blanket Purchase Order (MBPO) for ENE47 and can be accessed directly by visiting Master Blanket Purchase Order [PO-20-1080-OSD03-SRC01-17012](#).

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## Who Can Use This Contract

### Applicable Procurement Law

Executive Branch Goods and Services: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00;

### Eligible Entities

Please see the standard list of Eligible Entities on our [Who Can Use Statewide Contracts](#) webpage.

01. Cities, towns, districts, counties and other political subdivisions
02. Executive, Legislative and Judicial Branches, including all Departments and elected offices therein;
03. Independent public authorities, commissions and quasi-public agencies
04. Local public libraries, public school districts and charter schools;
05. Public Hospitals, owned by the Commonwealth;
06. Public institutions of high education
07. Public Purchasing Cooperatives;
08. Non-profit, UFR-certified organizations that are doing business with the Commonwealth;
09. Other states and territories with no prior approval by the State Purchasing Agent required; and
10. Other entities when designated in writing by the State Purchasing Agent.

## Subcontractors

The awarded vendor's use of subcontractors is subject to the provisions of the Commonwealth's Terms and Conditions and Standard Contract Form, as well as other applicable terms of this Statewide Contract. It is permissible to use subcontractors to provide services to the Commonwealth under ENE47. However, the primary Contractor will be held responsible for any and all performance of the subcontractor. Subcontracting will not increase the prices offered by the Contractor in response to this RFR.

## Pricing, Quote and Purchase Options

### Purchase Options

All orders should reference ENE47 to ensure buyer's get statewide contract pricing. The purchase options identified below are the only acceptable options that may be used on this contract. Purchases made through this contract will be direct, outright purchases.

### Pricing Options

- **Category 1 & 2** - calls for the delivery of Ultra Low Sulfur Diesel (ULSD) and Biodiesel (year round blend of B5, with the options to purchase blends of B10, B15 and B20) to be purchased at a fixed differential price to be applied to the low wholesale Boston Price as published daily in the OPIS-Oil Price Daily (Formerly the JOC). Additional taxes and federal environmental fees will be billed as separate line items on invoices.

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Pricing of ULSD and Biodiesel is calculated as:

Summer Blend (Apr-Sep) ULSD Pricing

Ultra-Low Sulfur Diesel + Applicable Differential Price = Total Summer Blend Price

Winter Blend (Oct-Mar) ULSD Pricing

Ultra-Low Sulfur Diesel Premium\* + Applicable Differential Price = Total Winter Blend Price

*\*Listed as "w/additive"*

- **Category 3** - calls for the delivery of Ultra Low Sulfur Diesel (ULSD) to be purchased at fixed price, Ceiling/Not-to-Exceed: Contract discounts and other pricing published under the contract represents "ceiling" or "not-to-exceed" pricing, and may be further negotiated.

### Product/Service Pricing and Finding Vendor Price Files

Product pricing may be found by:

#### Category 1 & 2, Indexed Pricing

To find the published daily index wholesale price, go to the [ENEFY20 Daily Pricing Index](#) MBPO record on COMMBUYS.

To access the record manually:

- Go to [www.commbuys.com](http://www.commbuys.com).
- Click on "Contract & Bid Search" on the log-in page.
- Click the radio button for Contracts/Blankets.
- In the Contract/Blanket Description field, type in **ENEFY20**
- Then click "Find It" (note: hitting Enter won't work, you must click Find It).
- Access MBPO record number [PO-20-1080-OSD03-SRC01-16709](#).
- Under attachments open the Daily Index file for the date you would like to view. Diesel Prices are second from the top.

The Less Than Truckload Differential (LTL) pricing is applicable for all deliveries 7,999 gallons and under. The Truckload Differential (TL) pricing is applicable for deliveries of 8,000 gallons or more.

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**ULSD Differential Pricing-Effective 08/1/19:**

<b>Zone</b>	<b>Vendor</b>	<b>ULSD ULSD PRM LTL</b>	<b>ULSD ULSD PRM TL</b>
Zone 1	Dennis K. Burke	0.0882	0.0448
Zone 2	Dennis K. Burke	0.1282	0.0643
Zone 3	Dennis K. Burke	0.1282	0.0722
Zone 4	Dennis K. Burke	0.1232	0.0992
Zone 5	Dennis K. Burke	0.1232	0.0737
Zone 6	Dennis K. Burke	0.1622	0.0975
Zone 7	Dennis K. Burke	0.1132	0.0959
Zone 8	East River Energy, Inc.	0.3682	0.0772

**Biodiesel Differential Pricing-Effective 08/01/19:**

<b>Zone</b>	<b>Vendor</b>	<b>B5 LTL</b>	<b>B5 TL</b>	<b>B10 LTL</b>	<b>B10 TL</b>	<b>B15 LTL</b>	<b>B15 TL</b>	<b>B20 LTL</b>	<b>B20 TL</b>
1	Dennis K Burke	0.1582	0.0598	0.1882	0.0748	0.2182	0.0898	0.2482	0.1048
2	Diesel Direct	0.1700	0.0725	0.1750	0.1300	0.1800	0.1350	0.1900	0.1400
3	Diesel Direct	0.1700	0.0725	0.1750	0.1300	0.1800	0.1350	0.1900	0.1400
4	Diesel Direct	0.2150	0.0725	0.2200	0.1300	0.2250	0.1350	0.1900	0.1400
5	Diesel Direct	0.2000	0.0700	0.2200	0.1300	0.2250	0.1350	0.1900	0.1400
6	Diesel Direct	0.2150	0.0725	0.2200	0.1300	0.2250	0.1350	0.1900	0.1400
7	Dennis K Burke	0.1772	0.1109	0.2072	0.1259	0.2372	0.1409	0.2672	0.1559
8	Dennis K Burke	0.4342	0.2042	0.4642	0.2192	0.4942	0.2342	0.5242	0.2492

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### Category 3, Fixed Pricing for Ultra Low Sulfur Diesel

The delivery of Ultra Low Sulfur Diesel (ULSD) is purchased as a fixed adder over the weighted average price of the NYMEX for ULSD. The weighted average will be determined at time of purchase by averaging the number of months and/or gallons needed. It is strongly encouraged that eligible entities solicit quotes in zones with multiple awarded vendors. Vendors will work with the individual purchasing entities to determine specific time to lock into the NYMEX, when it is deemed to be most advantageous. The specific volume will be verified when NYMEX is locked in by the purchasing entities. Purchasing Entities reserves the right to roll over purchases to additional months if needed. It is the responsibility of the Contractor and Purchasing Entity to come to a decision of how unused gallons will be handled prior to entering into an agreement and to ensure that this agreement is in writing.

**Please note this fixed adder is ceiling, not to exceed pricing. Eligibility entities reserve the right to negotiate a lower fixed adder based on total gallons with the vendor. A minimum of 42,000 gallons must be purchased by the Eligible Entity. It is at the discretion of the Contractor to enter into any agreements less than 42,000 gallons.**

Vendor	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Dennis K Burke	0.2482	0.2482	0.2482	0.3272	0.2922	0.3372	0.2672	0.5242
Global Montello	0.2834	0.2824	0.2856	0.3930	0.2661	0.3092	0.3037	0.8694
East River Energy							0.4299	0.5599
Sprague Energy	0.3700	0.3900	0.4400	0.4200			0.5400	0.7400

### Applicable Taxes/Fees:

The following additional taxes and federal environmental fees to be billed as separate line items on invoices:

- State Excise Tax for on-road use: \$0.24 cents per gallon
- Federal Leaking Underground Storage Tank (LUST): \$0.001 per gallon
- Federal Oil Spill Liability Trust Fund: \$0.00214 per gallon **Reinstated 1/1/2020**
- Massachusetts Uniform Oil Response Fee: \$0.00119 per gallon

### Setting up a COMMBUYS Account

COMMBUYS is the Commonwealth's electronic Market Center supporting online commerce between government purchasers and businesses. If you do not have one already, contact the COMMBUYS Help Desk to set up a COMMBUYS buyer account for your organization: (888)-627-8283 or [COMMBUYS@mass.gov](mailto:COMMBUYS@mass.gov).

When contacting a vendor on statewide contract, always reference ENE47 to receive contract pricing.

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## Quick Search in COMMBUYS

Log into COMMBUYS, and use the Search box on the COMMBUYS header bar to locate items described on the MBPO or within the vendor catalog line items. Select Contract/Blanket or Catalog from the drop-down menu.

## How to Purchase from the Contract

The Operational Services Division has set up this contract to allow buyers to record contract purchases in COMMBUYS **after** the purchase has been fulfilled by the vendor. To place an order, buyers will reach out to Statewide Contract Vendors outside of COMMBUYS. Once the vendor's invoice is received, buyers will record the transaction in COMMBUYS as an RPA Release Requisition *within one month of receiving the vendor's invoice*. Use the [How to Create an RPA Release Requisition](#) job aid for guidance.

- **Document items in COMMBUYS that have already been purchased**

This type of contract allows buyers to document a contract purchase in COMMBUYS that already has taken place through a Request for Payment Authorization (RPA) Release Requisition. It also allows MMARS users to easily keep track of spend. NOTE: MMARS and COMMBUYS do not interface –payment request and invoice should be reported in both MMARS and COMMBUYS separately. (See guidance below).

- Check the Zone listing (on page 11) to determine the city or town where you will have the gasoline delivered. Contact the vendor responsible for that Zone to discuss locations, account requirements and arrange for delivery. The contract covers eight zones across the state. Each zone has one awarded contractor. These contractors are responsible for servicing the eligible users within that zone.
- Contract Users should continue to place orders in the normal fashion by contacting the appropriate vendor. Orders should not be placed through COMMBUYS. The order should be recorded once invoices are received using the RPA Release function. This contract has RPA Release enabled to allow contract users to capture spend after-the-fact associated with this contract. Contract Managers have carefully selected the contracts that would qualify for RPA Release transactions. Typically this is due to system or process impracticality and/or emergency situations preventing the standard COMMBUYS purchase order processes from being followed to process paper invoices. For more details please consult the COMMBUYS Policy Document.

## ENE47 RPA Guidance

When conducting your Item Search, enter **ENE47** in the Item Description field. Record the following information on the Items tab in COMMBUYS:

- Line 1: Gallons – Enter the total gallons received under Quantity and the total price under Unit Price. Use *GAL* as the Unit of Measure (UOM). **This total should not include taxes.**
- Line 2: Taxes – Enter 1 under Quantity and the total amount of taxes under Unit Price. Use *DO* as the UOM.
- Accurately enter the invoice number in the Invoice Number field for each item line.

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- On the Attachments tab, include scanned copies of all records pertaining to the order, i.e. unofficial email quote, receipt of goods or services, final invoice, etc.

**Note:** OSD carefully selects contracts (in some cases specific contract categories or situations) that qualify for RPA Release transactions. These typically are situations where the prescribed purchasing process is impractical and/or there exists an emergency that prevents the standard COMMBUYS purchase order process.

If you have a COMMBUYS question, contact the COMMBUYS Help Desk at 888-MA-State (627-8283) or [COMMBUYS@mass.gov](mailto:COMMBUYS@mass.gov).

### Obtaining Quotes

For Category 3 Fixed Price please use the Solicitation Enabled [Master Blanket Purchase Order PO-20-1080-OSD03-SRC01-16997](#), contract users should always reference ENE47 when contacting vendors to ensure they are receiving contract pricing. Quotes, not including construction services, should be awarded based on best value.

For a full description of how to complete a quote in COMMBUYS visit the [Job Aids for Buyers](#) webpage, and select:

- The *COMMBUYS Purchase Orders* section and choose the *How to Create a Solicitation Enabled Bid Using a Release Requisition* job aid.

### Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor.

### Emergency Services

Many statewide contracts are required to provide products or services in cases of statewide emergencies. [ML - 801 CMR 21](#) defines emergency for procurement purposes. Visit the [Emergency Contact Information for Statewide Contracts](#) list for emergency services related to this contract.

### Delivery

Delivery of Ultra Low Sulfur Diesel and Biodiesel must be made on days and during hours that are acceptable to contract users. Lead time for normal delivery will be 24 hours; 48 hours for holidays and weekends. Deliveries less than 500 gallons will not be subject to any additional charges or service fees. Please refer to the RFR in COMMBUYS by visiting [Master Blanket Purchase Order PO-20-1080-OSD03-SRC01-17012](#) for all delivery requirements.

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### Other Discounts

- **Prompt Pay Discounts:** A discount given to the buyer if paid within a certain time period. These discounts may be found in the [Vendor List and Information](#) section below. All discounts offered will be taken in cases where the payment issue date is within the specified number of days listed by vendor and in accordance with the Commonwealth's Bill Paying Policy. Payment days will be measured from the date goods are received and accepted / performance was completed OR the date an invoice is received by the Commonwealth, whichever is later to the date the payment is issued as an EFT (preferred method) or mailed by the State Treasurer. The date of payment "issue" is the date a payment is considered "paid" not the date a payment is "received" by a Contractor.

### Strategic Sourcing Team Members

- Melina Limardo, MWRA
- Charles Fino, MWRA
- Michael Woods, Operational Services Division



OPERATIONAL SERVICES DIVISION

# Contract User Guide for ENE47

## Vendor List and Information\*

Vendor	Master Blanket Purchase Order #	Contact Person	Phone #	Email	Categories	Zone	Discounts PPD
**Master Contract Record (All contract documents)	<a href="#">PO-20-1080-OSD03-SRC01-17012</a>	Michael Woods	617-720-3191	<a href="mailto:michael.woods@mass.gov">michael.woods@mass.gov</a>	N/A	N/A	N/A
					<b>Category 1</b>		
Dennis K Burke	<a href="#">PO-19-1080-OSD03-SRC01-17007</a>	Joseph Cote	1-800-289-2875	<a href="mailto:joe.cote@burkeoil.com">joe.cote@burkeoil.com</a>	X	1,2,3,4,5,6,7	0.25% - 10 days
East River Energy	<a href="#">PO-19-1080-OSD03-SRC01-17009</a>	Maryann Little	1-800-336-3762	<a href="mailto:mel@eastriverenergy.com">mel@eastriverenergy.com</a>	X	8	0.13% - 10 days
					<b>Category 2</b>		
Dennis K Burke	<a href="#">PO-19-1080-OSD03-SRC01-17007</a>	Patrick Healy	1-800-289-2875	<a href="mailto:patrick.healey@burkeoil.com">patrick.healey@burkeoil.com</a>	X	1,7,8	0.25% - 10 days
Diesel Direct	<a href="#">PO-19-1080-OSD03-SRC01-17006</a>	Mike Cataldo	1-888-900-7787	<a href="mailto:mike.cataldo@dieseldirect.com">mike.cataldo@dieseldirect.com</a>	X	2,3,4,5,6	N/A
					<b>Category 3</b>		
Dennis K Burke	<a href="#">PO-19-1080-OSD03-SRC01-17007</a>	Joseph Cote	1-800-289-2875	<a href="mailto:joe.cote@burkeoil.com">joe.cote@burkeoil.com</a>	X	All	0.25% - 10 days
East River Energy	<a href="#">PO-19-1080-OSD03-SRC01-17009</a>	Maryann Little	1-800-336-3762	<a href="mailto:mel@eastriverenergy.com">mel@eastriverenergy.com</a>	X	7,8	0.13% - 10 days
Global Montello	<a href="#">PO-19-1080-OSD03-SRC01-17010</a>	Kathryn Doherty	781-398-4003	<a href="mailto:bids@globalp.com">bids@globalp.com</a>	X	All	0.25% - 10 days
Sprague Energy	<a href="#">PO-19-1080-OSD03-SRC01-17008</a>	Taylor Hudson	603-430-5397	<a href="mailto:contractmgmt@spragueenergy.com">contractmgmt@spragueenergy.com</a>	X	1,2,3,4,7,8	0.15% - 10 days

\*Note that COMMBUYS is the official system of record for vendor contact information.

\*\*[The Master Contract Record is the central repository for all common contract files. [Price files may be found in the individual vendor's MBPO.]

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## Appendix A:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5	Zone 6	Zone 7	Zone 8
ARLINGTON BELMONT BOSTON BRAINTREE BROOKLINE BURLINGTON CAMBRIDGE CANTON CHELSEA COHASSET DEDHAM DOVER EVERETT HINGHAM HOLBROOK HULL LEXINGTON LINCOLN MALDEN MEDFORD MELROSE MILTON NEEDHAM NEWTON NORWOOD QUINCY RANDOLPH REVERE SAUGUS SOMERVILLE STONEHAM WAKEFIELD WALTHAM WATERTOWN WELLESLEY WESTON WESTWOOD WEYMOUTH WILMINGTON WINCHESTER WINTHROP WOBBURN	AMESBURY ANDOVER BEVERLY BOXFORD DANVERS DRACUT ESSEX GEORGETOWN GLOUCESTER GROVELAND HAMILTON HAVERHILL IPSWICH LAWRENCE LOWELL LYNN LYNNFIELD MANCHESTER MARBLEHEAD MERRIMAC METHUEN MIDDLETON NAHANT NEWBURY NEWBURYPORT NORTH ANDOVER NORTH READING PEABODY READING ROCKPORT ROWLEY SALEM SALISBURY SWAMPSCOTT TEWKSBURY TOPSFIELD WENHAM WEST NEWBURY	ABINGTON ACUSHNET ATTLEBORO AVON BERKLEY BRIDGEWATER BROCKTON CARVER DARTMOUTH DIGHTON DUXBURY EAST BRIDGEWATER EASTON FAIRHAVEN FALL RIVER FOXBOROUGH FREETOWN HALIFAX HANOVER HANSON KINGSTON LAKEVILLE MANSFIELD MARION MARSHFIELD MATTAPOISETT MEDFIELD MIDDLEBOROUGH NEW BEDFORD NORFOLK NORTH ATTLEBOROUGH NORTON NORWELL PEMBROKE PLAINVILLE PLYMOUTH PLYMPTON RAYNHAM REHOBOTH ROCHESTER ROCKLAND SCITUATE SEEKONK SHARON SOMERSET STOUGHTON SWANSEA TAUNTON WALPOLE WAREHAM WEST BRIDGEWATER WESTPORT WHITMAN WRENTHAM	BARNSTABLE BOURNE BREWSTER CHATHAM DENNIS EASTHAM FALMOUTH GOSNOLD HARWICH MASHPEE ORLEANS PROVINCETOWN SANDWICH TRURO WELLFLEET YARMOUTH	ACTON ASHLAND AUBURN AYER BARRE BEDFORD BELLINGHAM BERLIN BILLERICA BLACKSTONE BOLTON BOXBOROUGH BOYLSTON BROOKFIELD CARLISLE CHARLTON CHELMSFORD CLINTON CONCORD DOUGLAS DUDLEY DUNSTABLE EAST BROOKFIELD FRAMINGHAM FRANKLIN GRAFTON GROTON HARDWICK HARVARD HOLDEN HOLLISTON HOPEDALE HOPKINTON HUBBARDSTON HUDSON LANCASTER LEICESTER LITTLETON MARLBOROUGH MAYNARD MEDWAY MENDON MILFORD MILLBURY MILLIS MILLVILLE NATICK NEW BRAINTREE NORTH BROOKFIELD NORTHBOROUGH NORTHBRIDGE	OAKHAM OXFORD PAXTON PEPPERELL PETERSHAM PRINCETON RUTLAND SHERBORN SHIRLEY SHREWSBURY SOUTHBOROUGH SOUTHBRIDGE SPENCER STERLING STOW STURBRIDGE SUDBURY SUTTON TYNGSBOROUGH UPTON UXBRIDGE WARREN WAYLAND WEBSTER WEST BOYLSTON WEST BROOKFIELD WESTBOROUGH WESTFORD WORCESTER	ASHBURNHAM ASHBY ATHOL BERNARDSTON BUCKLAND CHARLEMONT COLRAIN DEERFIELD ERVING FITCHBURG GARDNER GILL GREENFIELD HAWLEY HEATH LEOMINSTER LEYRETT LEYDEN LUNENBURG MONTAGUE NEW SALEM NORTHFIELD ORANGE PELHAM PHILLIPSTON ROWE ROYALSTON SHELBURNE SHUTESBURY SUNDERLAND TEMPLETON TOWNSEND WARWICK WENDELL WESTMINSTER WINCHENDON	AGAWAM AMHERST ASHFIELD BELCHERTOWN BLANDFORD BRIMFIELD CHESTER CHESTERFIELD CHICOPEE CONWAY CUMMINGTON EAST LONGMEADOW EASTHAMPTON GOSHEN GRANBY GRANVILLE HADLEY HAMPDEN HATFIELD HOLLAND HOLYOKE HUNTINGTON LONGMEADOW LUDLOW MIDDLEFIELD MONSON MONTGOMERY NORTHAMPTON PALMER PLAINFIELD RUSSELL SOUTH HADLEY SOUTHAMPTON SOUTHWICK SPRINGFIELD TOLLAND WALES WARE WEST SPRINGFIELD WESTFIELD WESTHAMPTON WHATELY WILBRAHAM WILLIAMSBURG WORTHINGTON	ADAMS ALFORD BECKET CHESHIRE CLARKSBURG DALTON EGREMONT FLORIDA GREAT BARRINGTON HANCOCK HINSDALE LANESBOROUGH LEE LENOX MONROE MONTEREY MOUNT WASHINGTON NEW ASHFORD NEW MARLBOROUGH NORTH ADAMS OTIS PERU PITTSFIELD RICHMOND SANDISFIELD SAVOY SHEFFIELD STOCKBRIDGE TYRINGHAM WASHINGTON WEST STOCKBRIDGE WILLIAMSTOWN WINDSOR

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